

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re

MICHAEL J SPITULSKI  
LISA K SPITULSKI

Debtor(s).

)  
Case No. 13-33520-TMB13  
) TRUSTEE MOTION TO DISMISS  
)) FOR MISSED PLAN PAYMENTS  
)) **WITH NOTICE**  
)  
)

Wayne Godare, Standing Chapter 13 Trustee, represents that the debtor(s) are in default under the terms of the confirmed plan as detailed below:

Debtor(s) last payment was made on: **August 26, 2015**

Debtor(s) amount of default as of September 2, 2015 is **\$3,590.30**

Accordingly, the Trustee will request an Order dismissing this case without further notice or hearing for unreasonable delay that is prejudicial to creditors pursuant to 11 U.S.C. 1307(c)(1) and/or material default under the terms of the plan pursuant to 11 U.S.C. 1307(c)(6), unless the debtor(s) within 28 days of the service date of this Motion with Notice, does one of the following to correct the default:

1. File a written request for a hearing using *LBF 1366* and provide to the Court and Trustee, a specific objection including grounds for denial of the Motion.
2. Cure any existing default and obtain a withdrawal of the Motion from the Trustee, and if the debtor(s) are not self-employed, file an Order Directing Employer to Pay Wages (*LBF 1351P*).
3. Enter into a Stipulated Order Resolving the Motion approved by the Trustee.
4. File with the Clerk a modified plan using *LBF 1355.10* approved by the Trustee that cures the default and resolves the Motion.

I certify that on September 2, 2015, I served copies of the above Motion on the debtor(s) via first class mail and on any debtor attorney electronically via ECF.

Dated: September 2, 2015

*/s/ Wayne Godare*  
Chapter 13 Trustee

**NOTICE IS GIVEN** THAT unless the debtor(s) satisfies one of the four requirements set out above within the specified time period, the Trustee will file a Statement of Failure to Comply requesting that the Court enter an Order dismissing this case without further notice.